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**SENATE BILL 1054**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**Nancy Rodriguez**

**AN ACT**

**RELATING TO LICENSURE; CREATING THE SIGN LANGUAGE INTERPRETING PRACTICES ACT.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. SHORT TITLE.--This act may be cited as the "Sign Language Interpreting Practices Act".**

**Section 2. DEFINITIONS.--As used in the Sign Language Interpreting Practices Act:**

- A. "board" means the sign language interpreting practices board;**
- B. "deaf or hard-of-hearing person" means a person who has either no hearing or who has significant hearing loss;**
- C. "department" means the regulation and licensing department;**
- D. "interpreter" means a person:**

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1 (1) certified under the national registry of  
2 interpreters for the deaf;

3 (2) who has met the requirements for licensure  
4 as an interpreter for deaf or hard-of-hearing persons, as  
5 established by the board; and

6 (3) who engages in the practice of  
7 interpreting; and

8 E. "interpreting" means the process of providing  
9 accessible communication between deaf or hard-of-hearing  
10 persons and hearing persons, including:

11 (1) communication between American sign  
12 language, English-based sign language, cued speech and oral  
13 interpreting; or

14 (2) other modalities such as visual, gestural  
15 and tactile methods.

16 Section 3. LICENSE REQUIRED. -- Unless licensed pursuant to  
17 the Sign Language Interpreting Practices Act, a person shall  
18 not:

19 A. practice as an interpreter or perform  
20 interpreting services for compensation;

21 B. use the title of interpreter or represent  
22 himself as an interpreter, or use any other title,  
23 abbreviation, letters, figures, signs or devices that indicate  
24 the person is licensed to practice interpreting; or

25 C. advertise, hold himself out to the public or

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1 represent in any manner that the person is licensed to provide  
2 interpreting services.

3 Section 4. EXEMPTIONS. -- The Sign Language Interpreting  
4 Practices Act shall not apply to:

5 A. nonresident interpreters working in New Mexico  
6 less than thirty calendar days per year;

7 B. interpreting in religious settings;

8 C. interpreting on a volunteer basis without  
9 compensation;

10 D. interpreting in informal settings for friends,  
11 families or guests;

12 E. interpreting in emergency situations; or

13 F. the activities or services of a supervised  
14 interpreter intern or student in training that is enrolled in a  
15 program of study in sign language interpreting at an accredited  
16 institution of higher learning.

17 Section 5. CONFIDENTIAL COMMUNICATION. -- A communication  
18 is confidential if it is not intended to be disclosed to third  
19 persons other than those present to further the interest of the  
20 person requiring the interpreting.

21 Section 6. BOARD CREATED. --

22 A. The "sign language interpreting practices board"  
23 is created.

24 B. The board shall be administratively attached to  
25 the department.

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1 C. The state affiliate chapters of the national  
2 registry of interpreters for the deaf and the national  
3 association for the deaf shall provide a list of qualified  
4 persons for board membership for the governor's consideration.  
5 The governor shall appoint the members to serve on the board,  
6 subject to confirmation by the senate.

7 D. The board shall consist of eight members as  
8 follows:

9 (1) four practicing interpreters, one of whom  
10 is a deaf or hard-of-hearing person and one of whom is an  
11 interpreter educator in an accredited two- or four-year post-  
12 secondary educational institution;

13 (2) two deaf, hard-of-hearing persons or deaf-  
14 blind persons who rely on sign language interpretation;

15 (3) one person representing the general  
16 public; and

17 (4) the executive director of the commission  
18 for deaf and hard-of-hearing persons or the executive  
19 director's designee. The executive director or the executive  
20 director's designee shall serve as an ex-officio member of the  
21 board.

22 E. Members shall serve for staggered terms of six  
23 years each, except that the initial board shall be appointed so  
24 that the terms of two members expire June 30, 2007, the terms  
25 of two members expire June 30, 2008 and the terms of three

1 members expire June 30, 2011.

2 F. Members shall be paid per diem and mileage as  
3 provided in the Per Diem and Mileage Act and shall receive no  
4 other compensation, perquisite or allowance.

5 G. No member shall serve more than two consecutive  
6 terms. A member failing to attend three meetings, after proper  
7 notice, shall be recommended for removal as a board member  
8 unless excused for reasons set forth in board rules.

9 H. The board shall elect a chairperson and other  
10 officers as it deems necessary to administer its duties.

11 I. The board shall hold at least one meeting  
12 annually and additional meetings as the board deems necessary.  
13 The additional meetings may be held upon call of the  
14 chairperson or upon written request of five members. Five  
15 members of the board shall constitute a quorum to conduct  
16 business.

17 Section 7. BOARD POWERS AND DUTIES. --

18 A. The board shall:

19 (1) administer and enforce provisions of the  
20 Sign Language Interpreting Practices Act, evaluate the  
21 qualifications of applicants for licensure and issue licenses;

22 (2) promulgate rules setting forth the  
23 qualifications of applicants for licensure and the provisions  
24 for the administration of examinations and the issuance,  
25 renewal, suspension or revocation of licenses;

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1 (3) promulgate rules pursuant to the State  
2 Rules Act to effectively carry out and enforce the provisions  
3 of the Sign Language Interpreting Practices Act; and

4 (4) submit an annual budget for each fiscal  
5 year to the department.

6 B. The board may refuse, suspend or revoke a  
7 license of an interpreter, conduct investigations, issue  
8 subpoenas and hold hearings as provided in the Uniform  
9 Licensing Act.

10 C. Beginning in 2006, on October 1 of each year,  
11 the board shall submit a report to the department indicating:

12 (1) the current number of licensed  
13 interpreters; and

14 (2) the number of complaints received against  
15 interpreters and any disciplinary action taken within the  
16 previous calendar year.

17 Section 8. REQUIREMENTS FOR LICENSURE. --

18 A. A person eligible for licensure under the Sign  
19 Language Interpreting Practices Act shall hold certification  
20 under the national registry of interpreters for the deaf.

21 B. A person who has completed a sign language  
22 interpreting degree program of at least two years in length  
23 from an accredited college or university shall be granted a  
24 three-year provisional license.

25 C. Sign language interpreters working prior to the

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1 enactment of the Sign Language Interpreting Practices Act shall  
2 be granted a one-time, two-year provisional license.

3 Section 9. LICENSE RENEWAL. --

4 A. Notwithstanding Subsection B of Section 7 of the  
5 Sign Language Interpreting Practices Act, a licensee may renew  
6 a license every year by submitting a renewal application  
7 pursuant to the requirements of the board.

8 B. The board shall require continuing education for  
9 license renewal.

10 C. If a license is not renewed by the expiration  
11 date, the license shall be considered expired and the licensee  
12 shall refrain from practicing. The licensee may renew within a  
13 sixty-day grace period by submitting payment of the renewal fee  
14 and a late fee and complying with all renewal requirements.  
15 Upon receipt of payment and other requirements as established  
16 by the board, the licensee may resume practice.

17 D. After the sixty-day grace period, but before  
18 five years from the date of termination, a person with a  
19 terminated license is eligible for license reinstatement upon  
20 payment of the renewal fee plus a reinstatement fee as  
21 promulgated by rule of the board.

22 E. The board may issue rules providing for inactive  
23 status of licenses.

24 Section 10. FEES. --The board may, by rule, establish a  
25 schedule of fees as follows:

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1           A. a nonrefundable application fee for initial  
2 licensure not to exceed one hundred fifty dollars (\$150);

3           B. a nonrefundable application fee for initial  
4 provisional licensure not to exceed one hundred fifty dollars  
5 (\$150);

6           C. an initial licensure fee not to exceed two  
7 hundred dollars (\$200);

8           D. an initial provisional licensure fee not to  
9 exceed two hundred dollars (\$200); provided that, if denied,  
10 the fee may be refunded upon written request of the applicant;

11           E. a nonrefundable annual renewal fee for licensure  
12 not to exceed one hundred dollars (\$100);

13           F. a nonrefundable renewal fee for three-year  
14 provisional licensure not to exceed one hundred fifty dollars  
15 (\$150);

16           G. a nonrefundable late renewal fee not to exceed  
17 sixty dollars (\$60.00) for a license renewed during the  
18 sixty-day grace period, in addition to the renewal fee pursuant  
19 to Subsections E and F of this section; and

20           H. a nonrefundable reinstatement fee for a license  
21 terminated pursuant to Subsection D of Section 8 of the Sign  
22 Language Interpreting Practices Act, not to exceed one hundred  
23 twenty-five dollars (\$125), in addition to the current renewal  
24 fee pursuant to Subsections E and F of this section.

25           Section 11. FUND CREATED. --

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